

**Zoning Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-13  
AGENDA DATE: Thu 01/26/2006  
PAGE: 1 of 1**

**SUBJECT:** NPA-05-0016.01 - 7<sup>th</sup> & Gunter - Conduct a public hearing and approve an ordinance amending Ordinance 030327-12 (Govalle/Johnston Terrace Combined Neighborhood Plan) an element of the Austin Tomorrow Comprehensive Plan to change the future land use map from commercial land use designation to mixed use designation for the property located at 704 Gunter Street (Boggy Creek Watershed). Planning Commission Recommendation: To grant mixed use designation. Applicant and Agent: Teresa Saldana. City Staff: Scott Whiteman, 974-6054.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

**NEIGHORHOOD PLAN:** Govalle/Johnston Terrace Combined Neighborhood Plan

**CASE#:** NPA-05-0016.01

**PC PUBLIC HEARING DATE:** Tuesday, November 8, 2005

**ADDRESS:** 704 Gunter St.      **AREA:** Approximately .33 acres

**APPLICANT:** Teresa Saldaña

**OWNER:** Teresa Saldaña

**AGENT:** Rose Marie Rocha

**TYPE OF AMENDMENT:**

**Change in Future Land Use Designation**

**From:** Commercial

**To:** Mixed Use

**Related Zoning Case:** C14-05-0122

**Base District Zoning Change**

**From:** CS-CO-NP, General Commercial Services – Conditional Overlay -  
Neighborhood Plan Combining District

**To:** CS-MU-CO-NP, General Commercial Services – Mixed Use - Conditional  
Overlay - Neighborhood Plan Combining District

**PLAN ADOPTION DATE:** March 27, 2003

**NPCD ADOPTION DATE:** March 27, 2003

**STAFF RECOMMENDATION:** The staff recommendation is to **APPROVE** the requested change from commercial on the Future Land Use Map (FLUM) to mixed-use land use designation.

**BASIS FOR RECOMMENDATION:** The requested amendment is consistent with the Land Use recommendations in the Govalle/Johnston Terrace Combined Neighborhood Plan. See *Analysis* for more details.

**PLANNING COMMISSION RECOMMENDATION:** Postponed to October 25, 2005 at Staff's request (9-0).

Postponed to November 8, 2005 at the neighborhood's request (7-0-2, Cortez and Moore absent.)

Approved Staff's recommendation for the neighborhood plan amendment (6-2) [J.R.; G.S. 2<sup>nd</sup>] C.G.; M.M.—Nay; M.D.—Absent

**BACKGROUND:** The Govalle/Johnston Terrace Combined Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on March 27, 2003. The requested plan amendment is in the Govalle Neighborhood Planning Area. The boundaries of the planning area are: Oak Springs Road on the north, Airport Boulevard on the east, the Colorado River on the south, and Pleasant Valley Road, 7<sup>th</sup> Street, Northwestern Avenue and Webberville Road on the west.

The subject tract is 0.33 acres, more or less, near the intersection of Gunter Street and E. 7<sup>th</sup> Street and is currently undeveloped. As part of the Govalle/Johnston Terrace neighborhood planning process, the subject tract was rezoned from LI (Limited Industrial services) to CS-CO-NP. The applicant is requesting the plan amendment and zoning change to construct seven townhouse-style multifamily units on the site. Multifamily residential is not a permitted use in the CS district. The subject tract has frontage on both Gunter Street and 7<sup>th</sup> Street, however the frontage on 7<sup>th</sup> Street is less than 41 feet.

**ANALYSIS:** The Govalle/Johnston Terrace Combined neighborhood plan land use goals state:

1. Develop a balanced and varied pattern of land use.
2. Create and preserve a sense of "human scale" to the built environment of the neighborhood.

**The proposed plan amendment is consistent with these Goals.**

**The proposed plan amendment is also consistent with the following Key Planning Principles in the neighborhood plan:**

- Encourage mixed use so that residential uses are allowed on some commercial properties.
- Encourage higher density residential developments to locate near major intersections, and in locations that minimize conflicts with lower density single-family neighborhoods.
- Provide a diverse range of housing opportunities for all stages of life and income levels.
- Encourage the development of affordable single-family and multifamily units on vacant tracts in established neighborhoods.

**PUBLIC MEETINGS:** NPZD staff held a public stakeholder meeting on September 21, 2005. Invitations were sent to the Govalle/Johnston Terrace interest list and property owners within 300 feet of the proposed plan amendment.

At this time, Govalle/Johnston Terrace does not have an officially-recognized planning team with adopted bylaws. However, by consensus, the stakeholders agreed to the proposed plan amendment and zoning change.

**CITY COUNCIL DATE:** January 26, 2006

**ACTION:** Postponed to 1/26/06 (neighborhood's request)

**CASE MANAGERS:** Scott Whiteman (Plan Amendment)  
Robert Heil (Zoning Case)

**PHONE:** 974-2865  
974-6054

**EMAIL:** [scott.whiteman@ci.austin.tx.us](mailto:scott.whiteman@ci.austin.tx.us)  
[robert.heil@ci.austin.tx.us](mailto:robert.heil@ci.austin.tx.us)

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**CITY COUNCIL DATE:** December 15, 2005

**ACTION:**

**CASE MANAGERS:** Scott Whiteman (Plan Amendment)  
Robert Heil (Zoning Case)

**PHONE:** 974-2865  
974-6054

**EMAIL:** [scott.whiteman@ci.austin.tx.us](mailto:scott.whiteman@ci.austin.tx.us)  
[robert.heil@ci.austin.tx.us](mailto:robert.heil@ci.austin.tx.us)

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**CASE#:** NPA-05-0016.01

**PC PUBLIC HEARING DATE:** Tuesday, October 25, 2005

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**CITY COUNCIL DATE:** To be determined

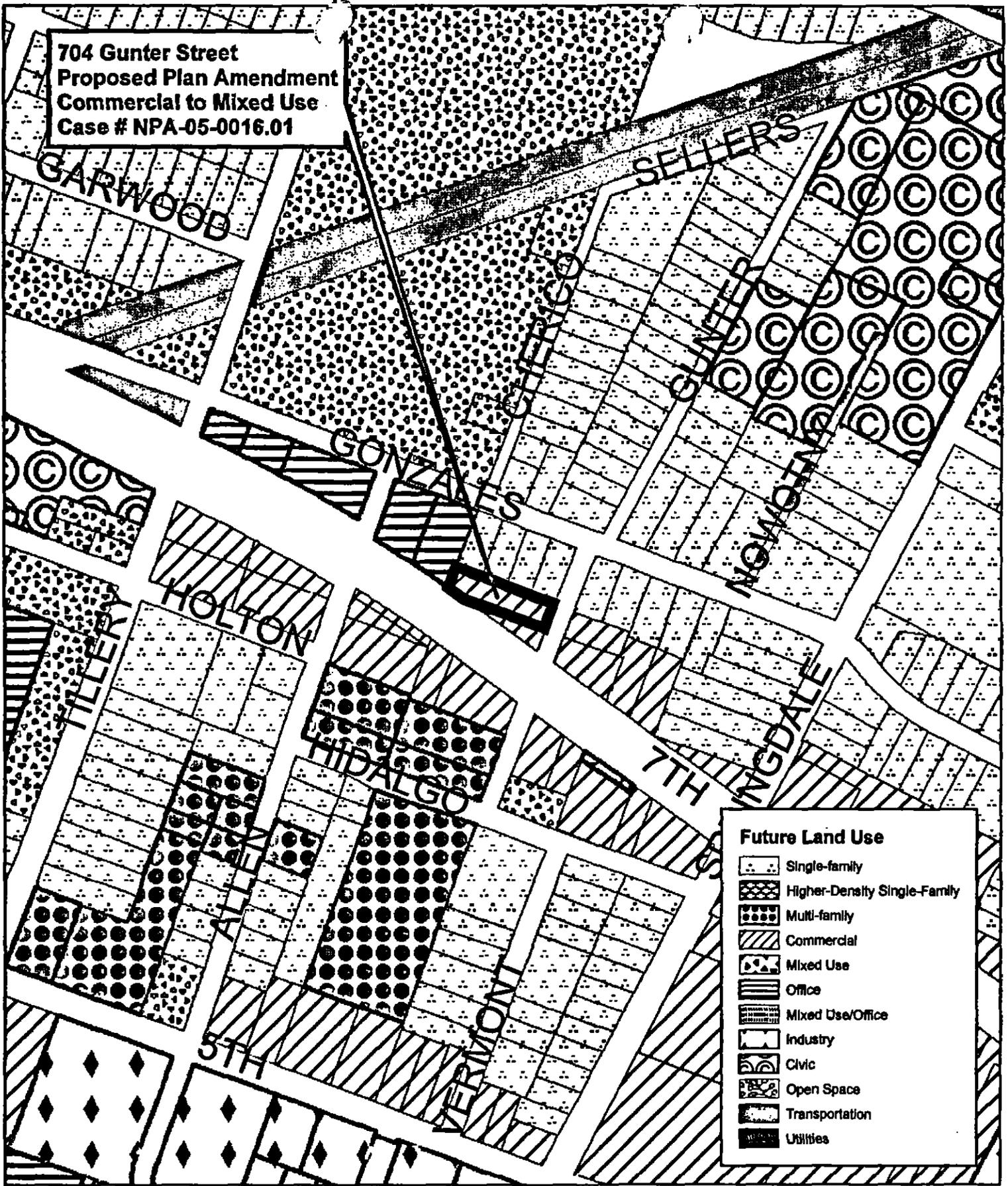
**ACTION:**

**CASE MANAGERS:** Scott Whiteman (Plan Amendment)  
Robert Heil (Zoning Case)

**PHONE:** 974-2865  
974-6054

**EMAIL:** [scott.whiteman@ci.austin.tx.us](mailto:scott.whiteman@ci.austin.tx.us)  
[robert.heil@ci.austin.tx.us](mailto:robert.heil@ci.austin.tx.us)

**704 Gunter Street  
Proposed Plan Amendment  
Commercial to Mixed Use  
Case # NPA-05-0016.01**



**Future Land Use**

- Single-family
- Higher-Density Single-Family
- Multi-family
- Commercial
- Mixed Use
- Office
- Mixed Use/Office
- Industry
- Civic
- Open Space
- Transportation
- Utilities



**Govalle/Johnston Terrace  
Combined Neighborhood Plan  
Neighborhood Plan Amendment  
Case# NPA-05-0016.01**

Created by NPZD  
10/5/2005



Whiteman, Scott

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**From:** Annick Beudet [ABeudet@mailbmc.com]  
**Sent:** Wednesday, November 02, 2005 6:46 PM  
**To:** Heil, Robert; Whiteman, Scott  
**Subject:** 704 Gunter



704\_Gunter.pdf  
(341 KB)

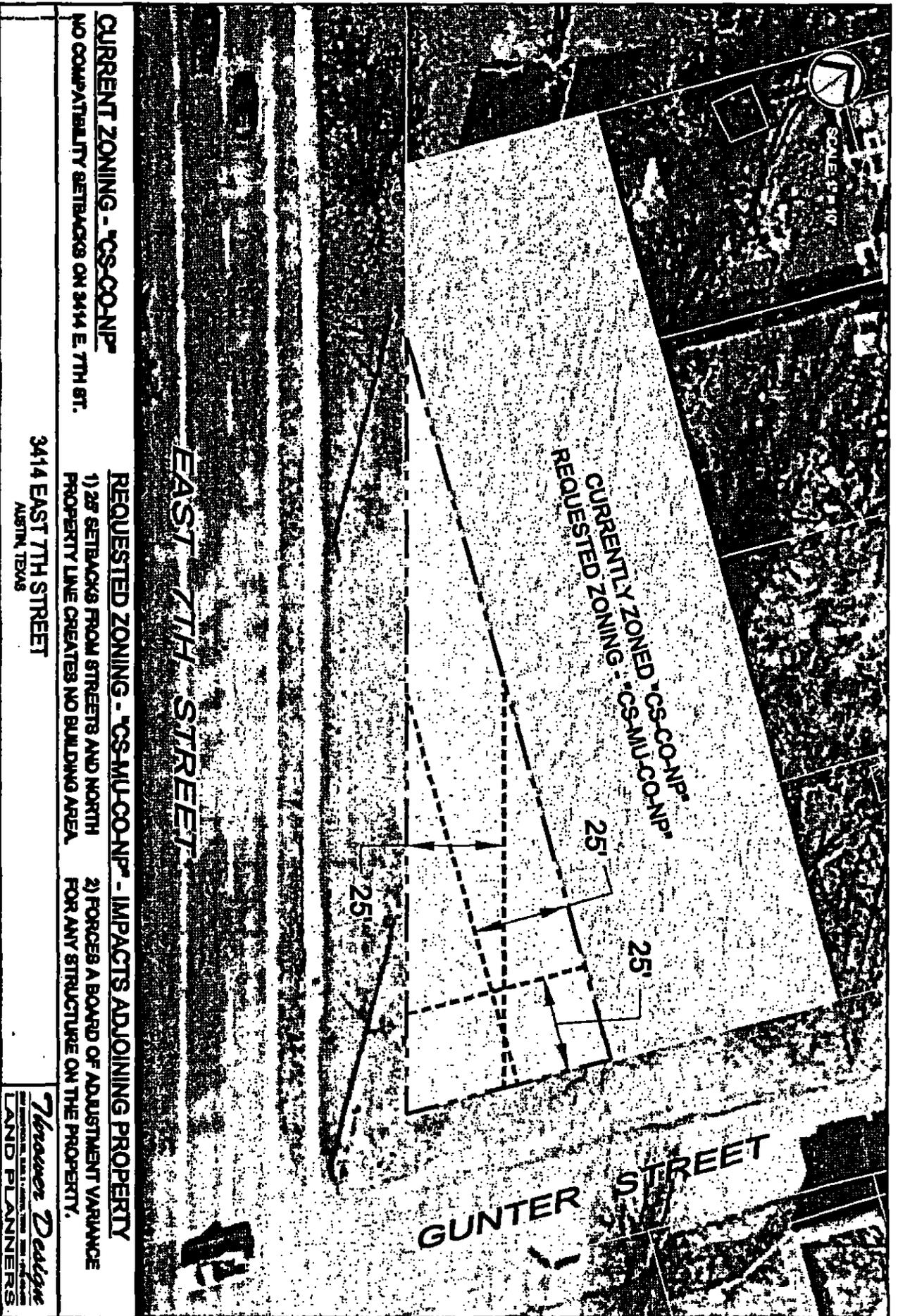
As promised, here is a photo rendering of the negative space to develop in per Staff's recommendation.

If review of the front yard 25 foot set back requirement, rear yard 25 foot set back requirement and side yard 25 foot side yard requirement is enough new information to prompt an alteration of Staff's recommendation on the zoning and plan amendment, please let me know.

The City is forcing the property owner to obtain a variance to build anything.

Thanks for your further consideration,

Annick C. Beudet  
Land Development Coordinator  
Brown McCarroll, L.L.P. (Austin Office)  
111 Congress Avenue, Suite 1400  
Austin, Texas 78701  
Phone 512-703-5741  
Fax 512-479-1101



**CURRENT ZONING - CS-CO-NP**  
 NO COMPATIBILITY SETBACKS ON 3414 E. 7TH ST.

**REQUESTED ZONING - CS-MU-CO-NP - IMPACTS ADJOINING PROPERTY**  
 1) 25' SETBACKS FROM STREETS AND NORTH PROPERTY LINE CREATES NO BUILDING AREA  
 2) FORCES A BOARD OF ADJUSTMENT VARIANCE FOR ANY STRUCTURE ON THE PROPERTY.

**3414 EAST 7TH STREET**  
 AUSTIN, TEXAS

*Thomson Design*  
 LAND PLANNERS



**RIVER BLUFF NEIGHBORHOOD ASSOCIATION**

4907 Red Bluff Road, Austin, Texas 78702-5121

October 10, 2005

Dear Ms. Rocha,

Thank you for your presentation at the Govalle/Johnston Terrace Planning Team Review Committee meeting, held on September 21, 2005, on your proposed projects at 3304 East 5<sup>th</sup> and 704 Gunter Street.

At this meeting, the Review Committee members and other neighborhood members heard and reviewed your presentation on the request to change the zoning for properties located at 3304 E. 5<sup>th</sup> and 704 Gunter Street. After an extensive discussion, members of the Review committee and other residents present came to a consensus decision on the above mentioned properties.

It was unanimously agreed by all attendees to accept the proposed amendments changes with the conditions as follows:

It is agreed that the here-mentioned properties will be developed primarily as residential units, marketed & sold as such. And in the event that Saldana Homes cannot market them as residential units, they will only market them for the following commercial purposes:

- The first amendment is to allow new construction for commercial mixed-use on the property of 3304 East 5 Street. Therefore, rezoning from GR-NP to GR-MU-CO-NP, with the conditional Overlay allowing only:
  - Administrative and Business Office
  - Professional Offices
  - Art and Craft Studio-Limited
- Second amendment request was to allow new construction for commercial mix-use on the property of 704 Gunter St. It was also agree to rezone from CS-CO-NP to CS-MU-CO-NP, with the conditional Overlay allowing only:
  - Administrative and Business Office
  - Professional Offices
  - Art and Craft Studio-Limited

We hereby support your project on condition that you honor and maintain these herein expressed conditions.

Thank you again for your desire to work with your neighbors in order to make Austin a better place for all of us to live in.

Daniel Llanes, coordinator  
Neighborhood Review Committee,  
Govalle/Johnston Terrace Neighborhood Planning Team

**Whiteman, Scott**

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**From:** Annick Beaudet [ABeaudet@mailbmc.com]  
**Sent:** Thursday, September 22, 2005 11:14 AM  
**To:** Whiteman, Scott  
**Cc:** Heil, Robert  
**Subject:** 704 Gunter

Please forward this comment to the Govalle Planning Team, the owner/applicant, Zoning Staff, and to the Planning Commission.

On behalf of the adjacent property owner to 704 Gunter, we would like a the following uses to be prohibited via a Conditional Overlay (CO) should the Committee and/or staff recommend the proposed GR-MU-NP zoning:

Single Family Residential  
Single Family Attached Residential  
Duplex Residential  
Two Family Residential  
Small Lot Single Family  
Condominium Residential  
Bed and Breakfast Groups 1 & 2  
Retirement Housing (Small Site)  
Townhouse Residential

The basis of this CO request is due to compatibility standards. It is my understanding that per 25-2-1051, all the above uses would trigger compatibility upon the commercial development of our adjacent property on East 7th Street.

We do not support the proposed GR-MU-NP request UNLESS there is a CO which prohibits those uses would trigger compatibility for a our small, adjacent site.

A 25 foot set back requirement upon development of our site would make development impossible. The majority of our frontage in onto E.7th street, making commercial development more likely than any other type of development for the site.

After attending the neighborhood meeting last night, it appears that the proposed development will not trigger compatibility (7 units on one lot), so the owner should agree to these prohibitions.

Also, if for some reason I am wrong in assuming that all my listed uses would trigger compatibility, of course I am open to removing from the CO those uses that do not trigger compatibility.

Thank you.

Annick C. Beaudet  
Land Development Coordinator  
Brown McCarroll, L.L.P. (Austin Office)  
111 Congress Avenue, Suite 1400  
Austin, Texas 78701  
Phone 512-703-5741  
Fax 512-479-1101



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## Neighborhood Planning & Zoning Department

505 Barton Springs Road  
P.O. Box 1088  
Austin, TX 78767

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September 29, 2005

Dear Resident or Property Owner,

You are receiving this letter because you are on the Govalle/Johnston Terrace Neighborhood Planning interest list or you are a property owner within 300 feet of a proposed rezoning and neighborhood plan amendment at 704 Gunter Street or 3304 E. 5<sup>th</sup> Street.

**Meeting Notice:** You are invited to participate in discussing the proposed plan amendments and rezonings at a meeting arranged by the Neighborhood Planning & Zoning Department. It is scheduled for:

Wednesday, September 14, 2005  
6:30-8:00 pm  
Parque Zaragoza Recreation Center  
2608 Gonzalez Street

This meeting provides the City of Austin with an opportunity to discuss and receive comment on the proposal with participants of the Govalle/Johnston Terrace Neighborhood Plan and other interested stakeholders.

**704 Gunter Street Case Summary:** Teresa Saldaña, property owner of 704 Gunter Street, is requesting a neighborhood plan amendment (Case# NPA-05-0016.01) and rezoning (Case# C14-05-0122) to allow new construction for commercial mixed-use on the property. The plan amendment request is to change the adopted Future Land Use Map from Commercial to Mixed Use. The zoning request is from CS-CO-NP, General Commercial Services- Conditional Overlay- Neighborhood Plan Combining District, to CS-MU-CO-NP, General Commercial Services- Mixed Use- Conditional Overlay- Neighborhood Plan Combining District.

**3304 E. 5<sup>th</sup> Street Case Summary:** Saldaña Homes, property owner of 3304 E. 5<sup>th</sup> Street, is requesting a neighborhood plan amendment (Case# NPA-05-0016.02) and rezoning (Case# C14-05-0123) to allow new construction for commercial mixed use on the property. The plan amendment request is to change the adopted Future Land Use Map from Commercial to Mixed Use. The zoning request is from GR-NP, Community Commercial-Neighborhood Plan Combining District, to GR-MU-NP,

**Community Commercial- Mixed Use Combining District - Neighborhood Plan  
Combining District.**

**Process:** After this meeting the cases will proceed to Planning Commission for their recommendation and City Council for final approval.

Please feel free to contact me at (512) 974-2865 ([scott.whiteman@ci.austin.tx.us](mailto:scott.whiteman@ci.austin.tx.us)) or Katie Halloran (512) 974-3509 ([katie.halloran@ci.austin.tx.us](mailto:katie.halloran@ci.austin.tx.us)) if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Whiteman", with a long horizontal flourish extending to the right.

Scott Whiteman  
Principal Planner



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## Neighborhood Planning & Zoning Department

505 Barton Springs Road  
P.O. Box 1088  
Austin, TX 78767

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September 9, 2005

Dear Resident or Property Owner,

The Govalle/Johnston Terrace Neighborhood Plan Amendment scheduled for Wednesday, September 14, 2005 has been **CANCELLED**.

**Meeting Notice:** You are invited to attend a NEW meeting arranged by the Neighborhood Planning & Zoning Department and the Review Committee of the Govalle/Johnston Terrace Neighborhood Planning Team. It is scheduled for:

Wednesday, September 21, 2005  
6:30-8:00 pm  
Saldafia Homes Office  
606 Allen Street

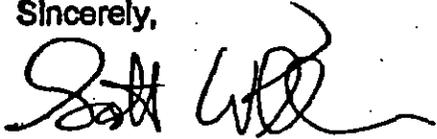
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Please feel free to contact me at (512) 974-2865 ([scott.whiteman@ci.austin.tx.us](mailto:scott.whiteman@ci.austin.tx.us)) or Katie Halloran (512) 974-3509 ([katie.halloran@ci.austin.tx.us](mailto:katie.halloran@ci.austin.tx.us)) if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Whiteman". The signature is stylized and cursive, with the first name "Scott" and last name "Whiteman" clearly distinguishable.

Scott Whiteman  
Principal Planner

**NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET**

**NEIGHBORHOOD PLAN:** Govalle/Johnston Terrace Combined Neighborhood Plan

**CASE#:** NPA-05-0016.01

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**OWNER:** Teresa Saldaña

**AGENT:** Rose Marie Rocha

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**BASIS FOR RECOMMENDATION:** The requested amendment is consistent with the Land Use recommendations in the Govalle/Johnston Terrace Combined Neighborhood Plan. See *Analysis* for more details.

**PLANNING COMMISSION RECOMMENDATION:** Postponed to October 25, 2005 at Staff's request (9-0)

if to 11/9 (7-0) MC, MM absent

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**CITY COUNCIL DATE:** To be determined

**ACTION:**

**CASE MANAGERS:** Scott Whiteman (Plan Amendment)  
Robert Heil (Zoning Case)

**PHONE:** 974-2865  
974-6054

**EMAIL:** [scott.whiteman@ci.austin.tx.us](mailto:scott.whiteman@ci.austin.tx.us)  
[robert.heil@ci.austin.tx.us](mailto:robert.heil@ci.austin.tx.us)

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**APPLICANT:** Teresa Saldaña

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**To:** Mixed Use

**Related Zoning Case:** C14-05-0122

**Base District Zoning Change**

**From:** CS-CO-NP, General Commercial Services – Conditional Overlay -  
Neighborhood Plan Combining District

**To:** CS-MU-CO-NP, General Commercial Services – Mixed Use - Conditional  
Overlay - Neighborhood Plan Combining District

**PLAN ADOPTION DATE:** March 27, 2003

**NPCD ADOPTION DATE:** March 27, 2003

**STAFF RECOMMENDATION:** The staff recommendation is to **APPROVE** the requested change from commercial on the Future Land Use Map (FLUM) to mixed-use land use designation.

**BASIS FOR RECOMMENDATION:** The requested amendment is consistent with the Land Use recommendations in the Govalle/Johnston Terrace Combined Neighborhood Plan. See *Analysis* for more details.

**PLANNING COMMISSION RECOMMENDATION:** Pending

**BACKGROUND:** The Govalle/Johnston Terrace Combined Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on March 27, 2003. The requested plan amendment is in the Govalle Neighborhood Planning Area. The boundaries of the planning area are: Oak Springs Road on the north, Airport Boulevard on the east, the Colorado River on the south, and Pleasant Valley Road, 7<sup>th</sup> Street, Northwestern Avenue and Webberville Road on the west.

The subject tract is 0.33 acres, more or less, near the intersection of Gunter Street and E. 7<sup>th</sup> Street and is currently undeveloped. As part of the Govalle/Johnston Terrace neighborhood planning process, the subject tract was rezoned from LI (Limited Industrial services) to CS-CO-NP. The applicant is requesting the plan amendment and zoning change to construct seven townhouse-style multifamily units on the site. Multifamily residential is not a permitted use in the CS district. The subject tract has frontage on both Gunter Street and 7<sup>th</sup> Street, however the frontage on 7<sup>th</sup> Street is less than 41 feet.

**ANALYSIS:** The Govalle/Johnston Terrace Combined neighborhood plan land use goals state:

1. Develop a balanced and varied pattern of land use.
2. Create and preserve a sense of "human scale" to the built environment of the neighborhood.

**The proposed plan amendment is consistent with these Goals.**

**The proposed plan amendment is also consistent with the following Key Planning Principles in the neighborhood plan:**

- Encourage mixed use so that residential uses are allowed on some commercial properties.
- Encourage higher density residential developments to locate near major intersections, and in locations that minimize conflicts with lower density single-family neighborhoods.
- Provide a diverse range of housing opportunities for all stages of life and income levels.
- Encourage the development of affordable single-family and multifamily units on vacant tracts in established neighborhoods.

**PUBLIC MEETINGS:** NPZD staff held a public stakeholder meeting on September 21, 2005. Invitations were sent to the Govalle/Johnston Terrace interest list and property owners within 300 feet of the proposed plan amendment.

At this time, Govalle/Johnston Terrace does not have an officially-recognized planning team with adopted bylaws. However, by consensus, the stakeholders agreed to the proposed plan amendment and zoning change.

**CITY COUNCIL DATE:** To be determined

**ACTION:**

**CASE MANAGERS:** Scott Whiteman (Plan Amendment)  
Robert Heil (Zoning Case)

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974-6054

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**ORDINANCE NO.**

**AN ORDINANCE AMENDING ORDINANCE NO. 030327-12, WHICH ADOPTED THE GOVALLE/JOHNSTON TERRACE COMBINED NEIGHBORHOOD PLAN AS AN ELEMENT OF THE AUSTIN TOMORROW COMPREHENSIVE PLAN, TO CHANGE A LAND USE DESIGNATION ON THE FUTURE LAND USE MAP FOR PROPERTY LOCATED AT 704 GUNTER STREET.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** Ordinance No. 030327-12 adopted the Govalle/Johnston Terrace Combined Neighborhood Plan as an element of the Austin Tomorrow Comprehensive Plan.

**PART 2.** Ordinance No. 030327-12 is amended to change a commercial land use designation to mixed use on the future land use map attached as Exhibit "A" and incorporated in this ordinance, and described in File NPA-05-0016.01 at the Neighborhood Planning and Zoning Department for property located at 704 Gunter Street.

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2006.

**PASSED AND APPROVED**

\_\_\_\_\_, 2006

§  
§  
§

\_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk

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